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Docket No. AM5782

0300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

ANISUL KHAN et al

Serial No.: 09/957,395

Filed: September 19, 2001

For: A METHOD OF FORMING OPTICAL  
WAVEGUIDES IN A SEMICONDUCTOR  
SUBSTRATE

RESPONSE TO NOTICE OF OMITTED ITEM IN A NONPROVISIONAL  
APPLICATION AND PETITION

To: Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In a Notice of Omitted Items in a Nonprovisional application dated November 6, 2001, the Patent Office stated that it appeared Figs. 2A-2E were described in the specification, but were not submitted.

In fact, the statement on page 3 lines 12-13 of the specification is in error. Fig. 2 was submitted with the specification, which illustrates a silicon-based waveguide of the invention, as explained on page 4 line 18 to page 5 line 6, wherein it is explained that Fig. 2 is directed to a waveguide per se, and that the steps for making the waveguide are shown in Figs. 3a to 3f. A Preliminary Amendment is attached hereto making

this correction.

Thus in fact all of the Figures were submitted in conformity with the specification on pages 4-5. The error of the text on page 3 is hereby corrected.

Applicants petition that the amended page 3 be entered, thereby acknowledging that the Patent Office has received all of the Figures of the Drawing.

This response and Preliminary Amendment are submitted within two months of the date of this Notice.

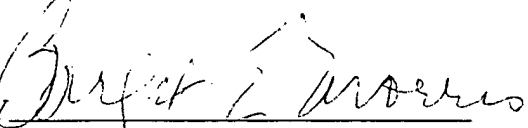
Any Petition fee required is to be charged to Deposit Account 13-4542. A duplicate of this paper is also submitted for charging purposes.

Thus entry of the Preliminary Amendment and this response are respectfully solicited.

Respectfully submitted,

ANISUL KHAN et al

By

  
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COMM 113

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Please continue to send all correspondence to

Patent Counsel  
Applied Materials, Inc  
PO Box 450A  
Santa Clara, CA 95052

The undersigned hereby declares that this  
correspondence is being deposited as first  
class mail in an envelope addressed to the  
Assistant Commissioner for Patents,  
Washington, DC 20231 on

January 2, 2002

William R. Morris

Name of person making deposit

William R. Morris

Signature



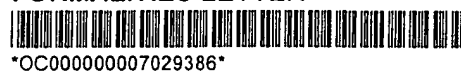
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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/957,395	09/19/2001	Anisul Khan	AM5782

CONFIRMATION NO. 4481

FORMALITIES LETTER



\*OC000000007029386\*

Patent Counsel, MS/2061  
Legal Affairs Dept.  
Applied Materials Inc.  
P.O. Box 450A  
Santa Clara, CA 95052

REC'D NOV 12 2001

Date Mailed: 11/06/2001

**NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Figure(s) **2A-2E** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE